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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Timothy William Dake, *et al.* : Confirmation No.: 6421
Serial No.: 09/853,391 : Group Art Unit: 1761
Filed: May 11, 2001 : Examiner: Helen F. Pratt
Title: COMPOSITIONS HAVING ENHANCED AQUEOUS SOLUBILITY AND
METHODS OF THEIR PREPARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Response to Restriction Requirement Under 37 C.F.R. § 1.141

Dear Sir:

This is in response to the Office Action dated September 19, 2002 in the present application. The Examiner is respectfully requested to reconsider the application in view of the following remarks. Applicants hereby traverse the Restriction Requirement made by the Examiner and provisionally elect claims 1-85, drawn to a composition having enhanced aqueous solubility, for examination in the present application. Applicants reserve the right to file a petition from requirement for restriction pursuant to 37 C.F.R. 1.144.

REMARKS

Claims 1-101 are pending in the case. The Examiner requires restriction under 35 U.S.C. 121 to one of two groups of claims identified as follows:

Group I. Claims 1-85, drawn to an essentially dry composition suitable for use as a food or beverage, classified in class 426, subclass 72.

Group II. Claims 86-101, drawn to a method for making a dry composition for use as a food or beverage, classified in class 426, subclass 519.